

# **EXHIBIT A**

FILED: KINGS COUNTY CLERK 04/18/2019 05:30 PM

INDEX NO. 508823/2019

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 04/18/2019

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS**

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MICHAEL GANGI PLUMBING & HEATING  
CONTRACTORS INC. d/b/a GANGI PLUMBING  
& HEATING CONTRACTORS, ROSARIO GANGI,  
JOSEPHINE GANGI a/k/a JOSEPHINE THEISEN  
and LEONORA GANGI,

Index No. 508823/19  
Date Purchased 4/18/19

**SUMMONS**

Plaintiff(s) designate(s)  
Kings County as place of  
trial.

*Plaintiff(s),*

*-against-*

BOFI FEDERAL BANK n/k/a AXOS BANK and  
WORLD BUSINESS LENDERS, LLC,

*Defendant(s).*

The basis of the venue is  
Plaintiffs' principal place of  
business located in Kings  
County.

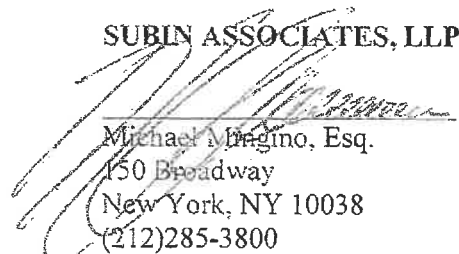
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To the above named Defendant(s)

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated, New York, New York  
April 17, 2019

*Attorney(s) for Plaintiffs:*

**SUBIN ASSOCIATES, LLP**

  
Michael M. Magino, Esq.  
150 Broadway  
New York, NY 10038  
(212)285-3800

*Defendants' address:*

BOFI Federal Bank (n/k/a Axos Bank)  
4350 La Jolla Village Drive, Ste. 140  
San Diego, California, 92122-124

World Business Lenders, LLC  
101 Hudson Street, 33<sup>rd</sup> Floor  
Jersey City, NY 07302

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**NOTICE**

**THE NATURE OF THIS ACTION** is based upon agreements made by and between Plaintiffs, Defendant BOFI Federal Bank ("BOFI") and its agent World Business Lenders, LLC.

**THE RELIEF SOUGHT IS AS FOLLOWS:**

**FIRST CAUSE OF ACTION**

Action for a declaratory judgment that the commercial loan made by Defendant BOFI to Plaintiffs were usurious and in violation of both civil and criminal statutes limiting the amount of interest that can be charged to Plaintiffs.

**SECOND CAUSE OF ACTION**

Fraud and misrepresentation with respect to the misrepresentations made by Defendants to Plaintiffs in connection with the commercial and residential loans made by Defendants to Plaintiffs.

**THIRD CAUSE OF ACTION**

Action for unjust enrichment by Defendants in that Defendants caused Plaintiffs to pay a usurious rate of interest on loans made by Defendants to Plaintiffs and resulted in Defendants obtaining profits in violation of New York State statutes governing the payment of interest for commercial and residential loans as made by Defendants to Plaintiffs.

**FOURTH CAUSE OF ACTION**

Action to declare the commercial and residential loans made by Defendants to Plaintiffs in violation of applicable law as made and provided and to declare both of said loans void *ab initio*.

**FIFTH CAUSE OF ACTION**

To obtain the return to Plaintiffs of all payments made for interest on the commercial and residential loans made by Plaintiffs to Defendants.

**SIXTH CAUSE OF ACTION**

For the award of all reasonable attorneys' fees incurred by Plaintiffs in this action.

**SEVENTH CAUSE OF ACTION**

For violation by Defendants of truth in lending statutes and full disclosure of all interest charges for the commercial and residential loans made by Defendants to Plaintiffs.

**EIGHTH CAUSE OF ACTION**

For punitive damages between four (4) and ten (10) times the amount of said loans for Defendants' intentional violation of New York State usury laws, such damages to be determined at time of trial.

**UPON YOUR FAILURE TO APPEAR**, judgment will be taken against you by default for the sum of a minimum of \$2,400,000, in addition to attorney's fees awarded by the court, and the costs of this action.

**VENUE:** Plaintiff(s) designate(s) Kings County as place of trial. The basis of the venue is Plaintiff's principal place of business located in Kings County.